

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:05CR116
Plaintiff,)
vs.) ORDER
ALLEN COTTON, CLINTON BROOKS, JR.,)
ROBERT McFARLAND and MARK REX,)
Defendants.)

This matter is before the court on the motion for an extension of time by defendant Allen Cotton (Cotton) (Filing No. 38). Cotton seeks an extension of time for approximately two weeks in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 23). Defense counsel represents to the court that counsel for the government has no objection to the extension. Cotton's counsel represents that an affidavit will be filed in accordance with paragraph 9 of the progression order whereby Cotton consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Cotton's motion for an extension of time (Filing No. 38) is granted. Defendant Cotton is given until **on or before June 10, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 23). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 23, 2005 and June 10, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The trial setting of July 5, 2005, before Judge Laurie Smith Camp is **canceled** and will be re-scheduled following the disposition of any pretrial motions filed in accordance with this order.

DATED this 23rd day of May, 2005.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge